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EXEMPTION FROM TAXATION—PROPERTY USED FOR EDUCATIONAL PURPOSES—INJUNCTION AGAINST ILLEGAL TAX.—In *Staunton* v. *Mary Baldwin Seminary*, decided by the Supreme Court of Appeals of Virginia at the Wytheville term, it is held that the statute exempting from taxation property used exclusively for educational purposes, applies as well to property which is rented out by an educational institution and the proceeds used for educational purposes, as to property specifically occupied for such purposes—and that the statute is not unconstitutional. It is further held that injunction is the proper remedy, where a municipal corporation attempts to collect an illegal tax.

Both of these points seem well decided. To the single Virginia authority cited as to the right to enjoin a municipal corporation from the collection of an illegal tax (a case in which the question was not raised or mentioned) may be added *Peters* v. *City of Lynchburg*, 76 Va. 927 (where the propriety of an injunction seems likewise not to have been questioned); *Bull* v. *Read*, 13 Gratt. 78—where the question was raised and thoroughly discussed; and *City of Richmond* v. *Crenshaw*, 76 Va. 936, in which the court cites a long line of Virginia cases maintaining the propriety of the remedy against illegal taxation by injunction.

In many States, equity declines, save under special circumstances, to interfere with the collection of a municipal tax, where the remedy by payment under protest and an action at law to recover it, will afford the desired relief. See 2 Dillon, Munic. Corp. (4th ed.), 923–924. But the Virginia courts have been extremely liberal in upholding the remedy by injunction. The reluctance of the courts to grant injunctions in tax cases, is based on the necessity of prompt collection of municipal revenues, and the inconvenience to the municipality of being deprived of its revenues while the litigation is pending.

NEGOTIABLE PAPER—CLAIMING THROUGH A BONA FIDE HOLDER—FRAUDULENT PAYEE.—In *Andrews* v. *Robertson* (Wis.), 87 N. W. 190, it is held that the familiar rule that one who claims through a *bona fide* holder, in due course, of negotiable paper, occupies the same vantage-ground as if he were himself such a holder, even where he is not, does not apply to the case where the fraudulent payee of such paper afterwards becomes, for the second time, a holder.

On this point the court said:

"The further claim is made that plaintiffs are *bona fide* holders of the paper because they purchased it from their indorsee, who was an innocent holder thereof, paying full value therefor, and that the trial court erred in refusing to permit proof of such repurchase for value. In that they invoke the familiar common law rule, which has recently been added to the statute law of the State (secs. 1676-28, c. 356, Laws 1899) that the holder of commercial paper may recover on the strength of the title of a precedent innocent holder, regardless of knowledge on his part of fraud which would defeat it in the hands of the payee named therein. *Verbeck* v. *Scott*, 71 Wis. 59, 64, 36 N. W. 600.

"That rule is stated in the books, particularly in judicial opinions, generally in such a way as to lead one astray who is not familiar with the law on the subject as to the extent of its application. It is not a universal rule. It does not apply to a case like this, where the payee of the paper, being so circumstanced at the start that he cannot recover thereon, transfers it to an innocent third party for

value and subsequently purchases it back for value. Under such circumstances the payee cannot lean for support on the innocence of his vendee. His position is the same when he comes into possession of the paper the second time as when he first possessed it. One would say that must be the law without reference to authority; otherwise a person might become possessed of the promissory note of another by the grossest of frauds and by selling it to an innocent third person for value and subsequently repurchasing it enforce the same against the maker. The law contains no such open door as that for the successful perpetration of fraud. *Tod* v. *Wick*, 36 Ohio St. 370; *Sawyer* v *Wiswell*, 9 Allen, 39; *Kost* v. *Bender*, 25 Mich. 518; *Vorce* v. *Rosenbery*, 12 Neb. 448, 11 N. W. 879; *Plow Co.* v. *Davidson*, 16 Neb. 374, 20 N. W. 356; *Camp* v. *Sturdevant*, 16 Neb. 693, 21 N. W. 449. We are unable to find that the rule contended for by appellants has ever been applied to a case like this. If authority to that effect could be found, we would be compelled to reject it as out of harmony with the settled law on the subject and contrary to every principle of justice upon which the law is founded."

PAYMENT TO FOREIGN ADMINISTRATOR.—In Minor's Conflict of Laws, sec. 109, the law on this subject in the United States is thus stated: "If there is no need of an ancillary administration in the domicil of the debtor, and if the foreign administrator may lawfully receive the payment under the laws of his appointment, a payment to him in another State will operate as a discharge of the debt."

In the recent case of *Maas* v. *German Sav. Bank*, 71 N. Y. Supp. 483, the question was presented whether this rule was applicable, where ancillary administration has already been granted in the domicil of the debtor. The court held that the rule does not apply to such a case, and that the debtor in such case pays the debt to the foreign representative at his peril, whether he has notice of the domestic appointment or not. The court said:

"The question is, therefore, a narrow one, and may be stated thus: Does the voluntary payment made in good faith to the foreign administrator, without notice of the issuance of letters of administration in this State, discharge the debtor when in fact letters of administration had been granted on the estate of the intestate in this State?

"If letters of administration on the estate of the intestate had not, when the defendant paid over the deposit, been granted by the courts of this State, it would seem that the defendant's liability would have been discharged. *Williams* v. *Storrs*, 6 Johns. Ch. 353; *Doolittle* v. *Lewis*, 7 Id. 45; *Vroom* v. *Van Horne*, 10 Paige, 549; *Wilkins* v. *Ellett*, 9 Wall. 740; *Schluter* v. *Bowery Sav. Bank*, 117 N. Y. at p. 128; *Peterson* v. *Chemical Bank*, 32 Id. 21; *In re Butler*, 38 Id. 397; *Wilkins* v. *Ellett*, 108 U. S. 254, 256. Although the foreign representative could not in this State have enforced the claim by action. *Chapman* v. *Fish*, 6 Hill, 554; *Parsons* v. *Lyman*, 20 N. Y. 103.

"In *Vroom* v. *Van Horne*, 10 Paige, 549, 556, 557, Chancellor Walworth stated that the results of the cases in this State seemed to be that a foreign executor or administrator, appointed by the proper tribunal of the deceased's domicile, was authorized to take charge of the property here and to receive debts due to the deceased in this State, 'where there is no conflicting grant (of letters) here, and